IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7468 of 2007()

CRIME NO.105/2007 OF THE KODANCHERY POLICE STATION

.....

: PETITIONER/ACCUSED

K.K.POULOSE @ SAMKUTTY,
AGED 42/07, KADUMKEERIYIL HOUSE,
KOODATHAI AMSOM, PALONA DESOM.

BY ADV. SRI.P.S.SREEDHARAN PILLAI

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7468 of 2007

Dated this the 5th day of December 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 302 I.P.C. He is alleged to have caused the death of his father's brother. There were bitter property disputes between the deceased on the one side and the petitioner's father on the other. Civil litigation was also pending. The deceased was found lying dead with injuries in his residential premises. A little earlier, the petitioner had gone there. There used to be disputes between the deceased and the petitioner herein. The petitioner had always wanted the deceased to settle the disputes; but the deceased was not amenable to such requests. On the date in question also, the petitioner had allegedly gone to the house of the deceased to request him to settle the disputes. An incident took place there and in the course of that incident, the deceased was allegedly beaten to death with a pipe by the petitioner. The petitioner went away from the scene of the crime. The incident took place on 6/10/2007. The F.I statement was registered later on the

same day. The petitioner was arrested on 7/10/2007. The petitioner's culpable involvement is mentioned in the F.I statement itself. He continues in custody from that date.

2. The learned counsel for the petitioner submits that even if the entire allegations were accepted, it must be noted that the mission of the petitioner when he proceeded to the house of the deceased was only to settle the disputes. He was not armed at all. Even the allegation is only that a pipe which was found in the premises of the deceased was made use of to inflict the injury on the deceased. A period of about two months has already elapsed. The petitioner may in these circumstances be granted regular bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. All the available indications point to the complicity of the petitioner. Investigation is not complete. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation, prays the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I agree with

the learned Public Prosecutor that the investigators in a serious crime like this are certainly entitled to further time to complete the investigation

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court for bail again at later stages of the investigation not, at any rate, prior to 19/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007